

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

CAROL PORTER *et al.*,

Defendants.

Case No. C06-5235RJB

REPORT AND
RECOMMENDATION

**NOTED FOR:
August 11th, 2006, 2006**

This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Plaintiff has filed a proposed complaint and applied for *in forma pauperis* status. (Dkt. # 1).

The court reviewed the *in forma pauperis* application and entered an Order To Show Cause. (Dkt. # 5). The order gave plaintiff until July 7th, 2006 to cure a number of defects in his application. Plaintiff has not complied.

The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the court has

1 broad discretion in denying an application to proceed in forma pauperis. Weller v. Dickson, 314
2 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845 (1963).

3 Based on the above, the Court should deny plaintiff's application to proceed *in forma pauperis*.
4 Plaintiff has not shown that is unable to pay the full filing fee to proceed with his lawsuit. Mr. Dickerson
5 has failed to comply with a court order and failed to cure the deficiencies in his application. The court
6 should direct Mr. Dickerson to pay the filing within 30 days of the court's order and if he fails to pay the
7 filing fee the clerk should be directed to dismiss this matter.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
9 the parties shall have ten (10) days from service of this Report to file written objections. *See also*
10 Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those objections for purposes of
11 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
12 72(b), the clerk is directed to set the matter for consideration on **August 11th, 2006**, as noted in the
13 caption.

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15 DATED this 20th day of July, 2006.

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17 /s/ J. Kelley Arnold
18 J. Kelley Arnold
19 United States Magistrate Judge
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